

2007 Water Policy Legislation Highlights (06-26-2007)

AB 5 (Wolk) Flood Protection: local plans

This bill would create the Local Flood Protection Planning Act and authorize local agencies to write local plans of flood protection that include specified elements and would require that priority for State funds be given to local agencies that have adopted these plans. The bill would require subdivision notices of intention to include information about purchasing flood insurance, would require local agency compliance with State flood protection standards unless the agency adopts a local flood protection plan, would require property sales contracts to include a flood insurance policy, and would require the Department of Water Resources (DWR) to write a Central Valley Flood Protection Plan. In Senate Natural Resources and Water Committee.

AB 26 (Nakanishi) Flood control: natural community conservation plan

This bill would require the Department of Fish and Game and The Reclamation Board to prepare a natural community conservation plan for flood control projects located in the Sacramento and San Joaquin Drainage District and to prepare a long-term streambed alteration agreement. The bill would exempt from streambed alteration agreements and notice provisions a flood control or flood management activity identified in any implementation agreement for the plan. Failed in Assembly Appropriations Committee.

AB 41 (La Malfa) Water resources: bond proceeds

This bill would declare legislative intent that the funds derived from Propositions 1E and 84, consistent with voter intent, be expended in the most cost-efficient and effective manner to address the critical lack of adequate surface water storage in California. The bill specifically identifies the Temperance Flat and Sites Reservoir projects as holding the greatest promise for providing new surface storage. In addition, the bill would exempt the construction of these facilities from CEQA requirements. Failed in Assembly Natural Resources Committee.

AB 70 (Jones) Flood liability

This bill would provide that a city or county may be required to contribute its fair and reasonable share for property damage caused by a flood under certain circumstances including where a court finds the city or county actions increased State exposure to liability for property damage, the increased liability exposure was a result of the city or county unreasonably approving new development, the new development was approved in an undeveloped area, the undeveloped area was protected by a state flood control project that was not already designated for development, or the trier of fact determines that the city or county failed to comply with applicable duties and requirements set forth in existing law. In Senate Natural Resources and Water Committee.

AB 156 (Laird) Flood Control

This bill would require DWR to prepare a schedule for mapping areas at risk of flooding; prepare a status report on the State Plan of Flood Control; notify property owners of flooding hazards; prepare maps for levee flood protection zones; require local agencies to prepare reports on the condition of project levees in their jurisdiction; require local agencies to adopt

flood safety plans as a condition for receiving State funds for levee upgrades; allow DWR to participate in the design of environmental enhancements associated with federal flood control projects and in the construction of environmental enhancements for which the State is authorized to participate; and clarify maintenance area formation procedures. In Senate Natural Resources and Water Committee.

AB 162 (Wolk) Land use: water supply

This bill would require land use elements to identify and annually review those areas covered by city and county general plans that are subject to flooding as identified by floodplain mapping prepared by the Federal Emergency Management Agency or DWR and would require, upon the next revision of the housing element, on or after January 1, 2008, the conservation element of the general plan to identify rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management. In Senate Local Government Committee.

AB 1420 (Laird) Water Demand Management Measures This bill would require the terms and eligibility for any grant or loan to an urban water supplier awarded or administered by DWR, the State Water Resources Control Board (SWRCB), or the California Bay-Delta Authority (CBDA) to be conditioned on the implementation of the water demand management measures described in urban water management plans. In addition, the bill would specify the programs and projects eligible for grants and loans, would require the development of grant and loan criteria, and would establish a standard of excellence for water conservation. In Senate Natural Resources and Water Committee.

AB 1452 (Wolk) Central Valley Flood Protection

This bill would enact the Central Valley Flood Protection Act of 2008 and amend various provisions of Proposition 1E. The bill would declare State policy that the expenditure of bond funds for flood protection in the Sacramento-San Joaquin Valley reflect specified priorities. The bill would also enact the Flood Safe California Program and require DWR to correct deficiencies in flood protection facilities, seek the maximum amount of federal and local cost-sharing contributions, assess the level of flood protection in Sacramento-San Joaquin Valley communities and prepare a Central Valley Flood Protection Plan. In Senate Natural Resources and Water Committee.

AB 1489 (Huffman and Wolk) Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

This bill would require the Secretary for Resources to prepare and submit to the Legislature an annual report of Proposition 84 expenditures, would require statewide water planning and design studies done by DWR to include an analysis of energy and greenhouse gas emission impacts, would require DWR to develop guidelines for integrated regional water management plan grants, and would require DWR to conduct a groundwater resources study. In Senate Natural Resources and Water Committee.

AB 1507 (Emmerson) Alluvial Fan Task Force

This bill would require DWR to establish the Alluvial Fan Task Force to review the state of knowledge regarding alluvial fan floodplains and to prepare recommendations relating to alluvial fan floodplain management. DWR would be authorized to enter into an interagency agreement with an appropriate agency to oversee the task force. The task force would be required to develop a model ordinance on alluvial fan flooding and prepare and

submit a specified report to the Legislature not later than December 30, 2008. These duties would be required to be carried out only to the extent funding is made available for those purposes from the federal government or private sources. The expenditure of state funds would only be permitted as a condition of receiving federal funds. Failed in Assembly Appropriations Committee.

SB 5 (Machado) Flood management

This bill would make legislative findings and declarations regarding the necessity of developing a comprehensive integrated flood policy and flood management program and would require DWR to prepare the Sacramento-San Joaquin River Flood Management System Plan, as specified. In addition, the bill would require local governments, by a specified date, to revise general plans to address flood risks, collaborate with local flood agencies to identify parcels that may be protected by a flood protection plan or other flood management facilities, develop funding mechanisms to finance local flood responsibilities, and provide public notice to specific geographic locations that may be protected by a flood control facility or that are located in a flood hazard area. The bill would require the notification of property owners about flood risk and flood insurance. In Assembly Water, Parks and Wildlife Committee.

SB 6 (Oropeza) Flood control

This bill would require the land use, open-space, safety, and conservation elements of a local agency general plan to identify areas subject to flooding based on existing climate predictions regarding ocean levels and would require a local agency to deny approval for a subdivision if its design is likely to increase flood risk based on existing climate predictions. Failed in Senate Natural Resources and Water Committee.

SB 17 (Florez) Flood Protection

This bill would rename The Reclamation Board the Central Valley Flood Protection Board, recast various provisions of law regarding its operations, membership and prescribed duties, add evidentiary hearing provisions, add conflict of interest requirements for Board members, require a report on the status of the State Plan of Flood Control, require the Board to write a strategic flood protection plan, and require the Board to review and comment on local and regional land use plans. In Assembly Water, Parks and Wildlife Committee.

SB 27 (Simitian) Clean Drinking Water, Water Supply Security and Environmental Improvement Act of 2007

This bill would enact the Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2007 and would require the Secretary for Resources, on or before January 1, 2008, to begin implementing certain actions on behalf of the Sacramento-San Joaquin River Delta including investing in emergency preparedness, funding projects to aid sustainability in the delta, identifying critical levees to be strengthened and commencing delta restoration projects. In Assembly Water, Parks and Wildlife Committee.

SB 34 (Torlakson) User fees and assessments: Sacramento-San Joaquin Delta flood control

Existing law requires the Secretary for Resources, in collaboration with the Secretary for Business, Transportation and Housing, to develop a strategic plan to achieve a sustainable Sacramento-San Joaquin Delta. The plan is to include a strategic financing plan. This bill would require the strategic financing plan for the delta to include recommendations with

respect to imposing fees under a beneficiaries pay principle. In Assembly Water, Parks and Wildlife Committee.

SB 59 (Cogdill) Reliable Water Supply Bond Act of 2008.

This bill would require the Secretary of State to submit the Reliable Water Supply Bond Act of 2008 to voters for approval to finance specified water storage projects, Sacramento-San Joaquin Delta sustainability projects, water use efficiency projects, and ecosystem restoration projects with General Obligation bonds in the amount of \$3.95 billion. Identifies Sites Reservoir and Temperance Flat Reservoir as the water storage projects to be constructed. Failed in Senate Natural Resources and Water Committee.

SB 378 (Steinberg) Disaster Preparedness and Flood Prevention Bond Act of 2006

This bill would establish program implementation provisions for Proposition 1E and require that inspections and evaluations of flood control projects include seismic evaluations; require DWR and the State Water Resources Control Board (SWRCB) to develop project solicitation and evaluation guidelines for the stormwater flood management grant program; and require DWR to develop project solicitation and evaluation guidelines for levee and flood protection corridor grant programs. In Assembly Water, Parks and Wildlife Committee.

SB 732 (Steinberg) Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

This bill would enact program implementation provisions for Proposition 84 and establish statewide priorities for integrated regional water management plans; require DWR to study reoperation of flood management and water supply facilities to reduce flood risks; require DWR to develop a real-time flood forecasting model; specify various requirements for the expenditure of bond funds for nature education, nature research facilities and state and local parks; establish a sustainable communities council in state government; and require all agencies disbursing funds to develop project solicitation and evaluation guidelines. In Assembly Water, Parks and Wildlife Committee.

SB 1002 (Perata) Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

This bill would appropriate \$30 million in Proposition 84 bond funds to DWR to complete feasibility studies of new surface water storage facilities and to develop a plan for reoperation of the flood protection and water supply systems. In addition, the bill would appropriate \$591.5 million to DWR from various other bond funds for delta levee failure risk reduction projects, grants that integrate groundwater management with water supply management and water quality management, water conservation projects, fish screens, salt removal studies and delta water quality improvement projects. In Assembly Water, Parks and Wildlife Committee.